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Facsimile Transmittal

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Attorney-Client Communication*

To: Examiner Jehanne Souaya Sitton
U.S. Patent and Trademark Office
Alexandria, VA 22313-1450

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From: David C. Foster

Telephone: (650) 324-7029

No. of Pages: 9 (including cover)

Date: November 9, 2005

39740-0005A

Re: U.S. Patent Application Serial No. 10/714,195
Filed: November 14, 2003
Title: GENE EXPRESSION PROFILING OF EGFR POSITIVE CANCER
Inventors: Baker, et al.
Our Reference: 39740-0005A

Dear Sir:

PLEASE DELIVER TO EXAMINER JEHANNE SOUAYA SITTON, GROUP NO. 1634

1. Transmittal
2. Preliminary Amendment

OFFICIAL FILING

Thank you.

CERTIFICATE OF FACSIMILE TRANSMISSION (37 CFR 1.6(d))

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Date: November 9, 2005

Sylvia Rogers

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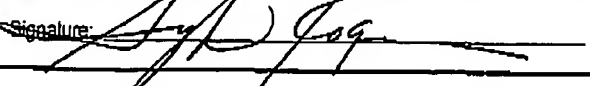
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PTO/SB/21 (6-99)

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TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>		Application Number		10/714,195
		Filing Date		November 14, 20023
		First Named Inventor		Jaffre B. BAKER
		Group/Art Unit		1634
		Examiner Name		Sitton, Jehanne Souaya
Total Number of Pages in This Submission				39740-0005A
ENCLOSURES (check all that apply)				
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Preliminary Amendment <input type="checkbox"/> After Final <input type="checkbox"/> Version With Markings Showing Changes <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Information Disclosure Statement with Form PTO-1449 <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response To Missing Parts Under 37 CFR 1.52 Or 1.53 <input type="checkbox"/> Copy Of Notice		<input type="checkbox"/> Drawings <input type="checkbox"/> Statement under 3.73(b) <input type="checkbox"/> Assignment <input type="checkbox"/> Copy of Combined Declaration for Patent Application and Power of Attorney <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Status Claimed <input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below): Fax Cover Sheet		
Remarks		AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT 08-1641 FOR ANY FEES DUE IN CONNECTION WITH THIS PAPER.		
SIGNATURE OF APPLICANT, ATTORNEY OR AGENT				
Firm or Individual name	HELLER EHRMAN LLP		DAVID C. FOSTER, REG. NO.: 44,685	
	275 Middlefield Road, Menlo Park, California 94025		Telephone: (650) 324-7000	Facsimile: (650) 324-0638
Signature				
Date	November 9, 2005	Customer Number:	25213	
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:)	Examiner: Sitton, Jehanne Souaya
)	
Joffre B. Baker)	Art Unit: 1634
)	
Application Serial No. 10/714,195)	Attorney's Docket No. 39740-0005A
)	
Filed: November 14, 2003)	Customer No. 25213
)	
For: GENE EXPRESSION PROFILING)	
OF EGFR POSITIVE CANCER)	
)	
)	

DATE MAILED: November 9, 2005

PRELIMINARY AMENDMENT

MAIL STOP PATENT APPLICATION

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

Dear Sir:

Prior to substantive examination of the above-identified patent application (which is filed concurrently herewith), and prior to calculation of the filing fee, Applicants respectfully request the entry of the following amendment.

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks begin on page 7 of this paper.

-1-

Preliminary Amendment
Application Serial No. 10/714,195
Attorney's Docket No. 39740-0005A